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OFFICE OF PETITIONS

In re Application of
Yannick Albertone, Mark Andrew Young,
Jacques Gilbert, and George J. Ostapchenko

Application No. 09/570,529

Filed: September 27, 2000

Attorney Docket No. AD6649 US NA

Title: : LAMINATE STRUCTURE

DECISION ON PETITION

This is a decision on the petitions filed on March 25, 2003, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The petition under 37 C.F.R. §1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed July 17, 2002, which set a shortened statutory period for reply of three (3) months. On January 21, 2003, an amendment was received, along with a three-month extension of time under the provisions of 37 C.F.R. §1.136(a). Unfortunately, this extension of time was insufficient², and the above-identified application became abandoned on January 18, 2003. On February 3, 2003, a Notice of Abandonment was mailed.

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

² The three-month extension of time extended the period for response through January 17, 2003. The amendment did not contain a certificate of mailing.

With the instant petition, the petitioner has met the requirements to revive the above-identified application, pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of an amendment, has paid the petition fee, and has made the proper statement of unintentional delay.

Petitioner has also filed a Request for Continued Examination (RCE), and filed the fee associated with the filing of an RCE.

37 C.F.R. §1.114(a) clearly states that a request for continued examination may be made only if prosecution in an application is closed. As prosecution is still open, the filing of an RCE is improper. The RCE has not been entered, and the fee associated with this filing has been refunded to applicant's deposit account.

After this decision is mailed, the application will be forwarded to Technology Center 1700 for processing of the amendment filed with the instant petition.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011.



Paul Shanowski
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